

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GREG GLADDEN,
PLAINTIFF

VS.

LARRY MORRISON & CRYSTAL
MORRISON,
DEFENDANTS

)
)
)
) CIVIL ACTION NO.
) 4:09-CV-00032
)
)
) ADMIRALTY

COPY

ORAL AND VIDEOTAPED DEPOSITION OF LARRY MORRISON
AUGUST 6, 2009

ORAL AND VIDEOTAPED DEPOSITION OF LARRY MORRISON, produced as a witness at the instance of MR. GREG GLADDEN and duly sworn, was taken in the above styled and numbered cause on, August 6, 2009, from 2:28 p.m. to 4:14 p.m., before Rhonda Landry, CSR, in and for the State of Texas, reported by machine shorthand, at the LAW OFFICE OF EVAN & KRAMER, 4848 Loop Central Drive, Suite 610, Houston, Harris County, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record herein.

1 could ever be.

2 Q I understand.

3 MS. LEWANDOS: That's usually the worse. I was
4 going to say, punishment by parents or punishment by the
5 authorities, which is worse?

6 Q (BY MR. GLADDEN) All right. Let's see, do you have any
7 formal training in operating sailboats?

8 A Yes.

9 Q Can you tell us about that?

10 A I took two classes for sailing, Sackett Sailing School.

11 Q Is that in Kemah?

12 A It's in Kemah, I believe.

13 Q Okay. What were those classes?

14 A One was basic keel boat, and the other one was
15 overnight.

16 Q Okay.

17 A An overnight class we took.

18 Q And when did you take those?

19 A In 2007.

20 Q Okay. Did they give you some sort of graduation or
21 certificate or --

22 A Yes.

23 Q -- something so you could show that if you had to?

24 A Yes.

25 Q And those are useful in -- well, you tell me. What

1 would you use that certificate for?

2 A Those were all stepping stones. The more classes, the
3 more classes you take, just to become a better sailor, more
4 knowledgeable in the sailing.

5 Q Did you ever use it to rent or charter a sailboat?

6 A No, I did not.

7 Q Okay. Can you use those as some proof that you know
8 which end of the boat goes first, and all that kind of stuff?

9 A Yes.

10 Q Yeah. Did you and your wife take those classes
11 together?

12 A Yes.

13 Q Okay. Were those -- how long did each class last?

14 A The one class was approximately most of the day. The
15 other class was an all day overnight to Galveston and back the
16 next day.

17 Q Okay. And was that in one of their boats?

18 A Yes.

19 Q Okay. And how many other people were on the overnight
20 trip with you?

21 A Four.

22 Q Okay. How many people that worked for the instructors?

23 A One.

24 Q Okay. How long have you owned the Jeanette Marie?

25 A Hum, a little over a year and a half.

1 Q Were you taking on water below the waterline?

2 A No, sir.

3 Q What were they repairing around the bow of the boat
4 below the waterline in all that gray area?

5 A Would have been scratches.

6 Q Did you actually see the bottom of the boat when it was
7 out of the water before they did the repairs?

8 A Yes, and we have pictures of it.

9 Q You say, you do have pictures of it?

10 A Yes.

11 Q Would you supply those to your lawyer, so we could see
12 the degree of scratches as you call them?

13 A Yes.

14 Q Okay. Would you characterize any of that damage as
15 significant gouges?

16 A Yes.

17 Q Okay. To what do you attribute the gouges that your
18 boat suffered below the waterline and the bow of the boat going
19 down, looks like, several feet?

20 MS. LEWANDOS: Objection, form.

21 Q (BY MR. GLADDEN) You can answer it if you know.

22 MS. LEWANDOS: You can go ahead and answer. I'll
23 let you know if you --

24 A Okay.

25 MS. LEWANDOS: I'm just making it for the record.

1 I --

2 Q (BY MR. GLADDEN) To what do you attribute that damage?

3 A I would attribute that to probably rubbing on the dock.

4 Q Any particular dock?

5 A The dock right in front of my bow.

6 Q Okay. You parked your boat bow in before the storm?

7 A Yes, bow in.

8 Q Is it your position your boat remained in the slip
9 throughout the storm?

10 A No.

11 Q What -- where do you know that it traveled?

12 A It traveled over, over a -- it traveled over a slip. I
13 mean, it traveled to the starboard side.

14 Q Okay. And there was, there was at least one open slip
15 to the starboard side of your boat before the storm as it was
16 parked bow in?

17 A Yes, sir.

18 Q And there was no finger dock between your boat and that
19 open slip?

20 A No.

21 Q Okay. And then there was a finger dock, correct?

22 A Yes.

23 Q And then there was a slip where Diabliesse was parked bow
24 out, correct, if you know?

25 A Yes.

1 Q Okay. After the storm, where did you find your boat?

2 A Next to the Diabliesse. Tied somewhat securely to the --
3 by the bow, to the bow into the dock, where the dock was.

4 Q Which side of the finger slip was it on?

5 A It was on the other side of the finger slip.

6 Q And the finger slip had apparently been broken?

7 A Yes.

8 Q Okay. Did it appear to you that your boat had gone
9 through the finger slip?

10 MS. LEWANDOS: Objection, form.

11 Q (BY MR. GLADDEN) Did it appear to you that your boat
12 had apparently moved from your slip through that -- breaking that
13 finger dock and that's how it got on the other side?

14 MS. LEWANDOS: Objection, form. Go ahead.

15 THE WITNESS: Oh, okay.

16 MS. LEWANDOS: You're fine.

17 THE WITNESS: Okay. I didn't understand what you
18 were saying.

19 MS. LEWANDOS: No, I'm sorry. You're okay.

20 THE WITNESS: Yeah.

21 MS. LEWANDOS: She understands.

22 THE WITNESS: Okay.

23 Q (BY MR. GLADDEN) If she, she doesn't want you to answer
24 questions, she'll say, "I'll direct you not to answer the
25 question."

1 A Okay.

2 Q But in the meantime, she's just protecting the record.

3 MS. LEWANDOS: It's just the record.

4 A Okay. And repeat your question one more time.

5 Q (BY MR. GLADDEN) Is it your belief, in light of your
6 knowledge of where the boat was before the storm and where you
7 found it after the storm, that your boat, for whatever reason,
8 came away from your finger dock, went through the open slip, went
9 through the finger dock next to Diabliesse and ended up on the,
10 what would be the east side of that finger, that finger dock, on
11 the Diabliesse side of that finger dock?

12 MS. LEWANDOS: Same objection.

13 A It was there. That's all I can say, it was there.

14 Q (BY MR. GLADDEN) Okay. So it -- and you've supplied a
15 bunch of pictures. Let me show you a couple of pictures and see
16 if this is how you found your boat, generally speaking, or where
17 you found your boat after the storm. And I guess, I should mark
18 these.

19 I tell you what, these are, these are numbered. We
20 have this little Bate stamp numbers, and I'm going to show you
21 something, four pictures numbered -- I don't know if that's an
22 eight or a B -- 00064, 65, 66 and 67, and see if you recognize
23 your boat and the, the scene depicted in those pictures?

24 MS. LEWANDOS: And so that the record's clear,
25 those numbers come off of your request for disclosure response,

1 the photographs? That's where these photographs originate from,
2 is your request for disclosure response.

3 MR. GLADDEN: Those photographs are part of my
4 disclosures to you.

5 MS. LEWANDOS: Correct?

6 MR. GLADDEN: Right.

7 A This is my boat.

8 Q (BY MR. GLADDEN) Okay. Does that -- those pictures
9 appear to accurately depict what they purport to depict; that is,
10 your boat sitting in the marina after the storm?

11 A Yes.

12 Q Okay. They don't appear to be altered or anything?
13 That's just basically pictures of kind of -- it looks the way you
14 saw it, right?

15 A Yes.

16 Q And they're not a whole lot different than some of the
17 pictures you and your lawyer supplied --

18 A No.

19 Q -- to us, correct?

20 A No, sir.

21 Q It's not correct, or it is correct?

22 A Oh, it is correct.

23 Q Yeah.

24 A These are the same pictures.

25 Q Okay. Okay. That's fine. On 67, there seems to be a

1 lot of scratches on the starboard side of your boat, correct?

2 A Yes, sir.

3 Q And there's black box shaped things. Is it your
4 recollection that, that was -- the parts of the finger dock?

5 A Yes.

6 Q Okay. And it looks like, your boat's still tied up to a
7 piling that has been pushed cockeyed --

8 A Yes.

9 Q -- in the back -- the left-hand side of the picture?
10 And we have other pictures that you have supplied us about how
11 your boat was tied up before the storm. Some of the lines coming
12 from your boat was actually -- went across the empty slip and were
13 tied up to this finger dock that's busted up, correct?

14 A Yes.

15 Q Or do you know? "Yes"? Okay. Do you know how this
16 damage on the starboard side of your boat occurred?

17 A No.

18 Q It was not there before the storm, was it?

19 A No.

20 Q Okay. And again, in 60 -- there's a dark spot on the
21 bottom of this thing. I think it's 64. This is the edge of your
22 boat here and the mast of Diabliesse sticking up with part of the
23 bimini rolled up, sticking up? Is that your recollection?

24 A Yes.

25 Q Okay. And at this -- in this picture, Diabliesse is,

1 apparently, partially in -- I'll just tell you, let's assume for a
2 moment, she was tied up to this finger dock and had an open slip
3 next to her just like your boat did. It looks like, she's in both
4 slips at this point, correct?

5 A Yes.

6 Q Okay. Do you have any idea how Diabliesse ended up in
7 that position?

8 A No.

9 MS. LEWANDOS: Objection, form.

10 Q (BY MR. GLADDEN) Well, any idea? Do you know how she
11 ended up in that position?

12 MS. LEWANDOS: Objection, form.

13 A There was a hurricane.

14 Q (BY MR. GLADDEN) Yes. And?

15 MS. LEWANDOS: Objection, form.

16 A There was a hurricane.

17 Q (BY MR. GLADDEN) Number 65 shows -- is this the
18 Jeanette Marie having apparently gone through the finger dock, and
19 now, in Diabliesse's slip or the slip that Diabliesse was in before
20 the storm? Is that a fair explanation of what that's a picture
21 of?

22 A Yes.

23 Q Okay. Do you know specifically how your boat ended up
24 in the Diabliesse slip?

25 A No, sir.

1 Q Okay. You didn't put it there?

2 A No, sir, I did not.

3 Q Okay. And when you -- what day did you first see this
4 scene; that is, after the storm? What day did you first see your
5 boat?

6 A I don't recall the exact day. It was confusing for a
7 couple of days there.

8 Q I'm, I'm with you. How long did you leave your boat in,
9 in, I'll just call it the Diabliesse slip after you found it?

10 A We moved it that day.

11 Q Okay. And when you moved it, where did you move it?

12 A Back to the -- our normal slip.

13 Q Okay. Did you turn it around and back it in stern in?

14 A Yes, we did, I believe.

15 Q Do you remember any particular reason you did that?

16 A For the electrical. Hum, no, actually, I do not
17 remember why we did that.

18 Q There wasn't any electricity down there in those days.

19 A Yeah, yeah. That's why I said, I don't remember.
20 That's not why obviously.

21 Q By turning the boat around and backing it in, did that
22 put the starboard damage to your boat up against your finger dock?

23 A Yes, I believe so.

24 Q Well, do you know? You act like you're not sure?

25 A I'm thinking. Yes, it did.

1 buckets, correct?

2 A Yes.

3 Q Who tied the boat up before the storm?

4 A Before the storm? My wife.

5 Q Do you know when that happened?

6 A I believe the picture said 9-14. So it would have been
7 9 -- 9-11. This would have been the day when I was at work, and I
8 came home and went through everything with her and made sure it
9 was properly secured.

10 Q When you said, "came home," you come to the boat?

11 A Yeah.

12 Q Okay. So if the storm came through on Saturday morning
13 the 13th, Friday was the 12th, so that would have been Thursday,
14 when you tied the boat up, correct, or when she tied the boat up?
15 I'm sorry.

16 A Yeah.

17 Q Correct? Do you know what time of day or night that was
18 that she was out there?

19 A It was Thursday?

20 Q Yes.

21 A During the day sometime, no.

22 Q Okay. Do you recall what your expectation was on
23 Thursday about where the storm was going to make landfall on
24 Saturday?

25 A I believe it was going to hit landfall in Galveston.

1 Q (BY MR. GLADDEN) Let me show you Exhibit 8 and 9, and
2 again, these are dated 9-11, and I'll just represent to you,
3 they're part of the discovery your lawyer sent me that,
4 apparently, are pictures that either you or Crystal took.

5 Let me direct your attention to the, the blue line
6 in number nine and the line wrapped around the cleat, not the one
7 going up to the boat, but the line wrapped around the cleat in
8 number eight. It's wrapped around the cleat and it, it does go to
9 the boat, but it's not shown where it goes in that picture. You
10 understand the --

11 A Yes.

12 Q -- line I'm talking about?

13 A Yes.

14 Q Do you have any idea how old those lines are?

15 A No, sir.

16 Q And the one in number eight, would it be fair to say
17 that, this line is either a halyard or a jib sheet, if you know?

18 A I don't know, sir.

19 Q Okay. But it appears to be -- can you tell the
20 difference between a Dacron line and a, a non-stretched Dacron
21 line and a nylon dock line?

22 A I could -- the question's kind of different. I mean, I
23 know there are different lines, but I couldn't tell you what a
24 Dacron line is by a Dacron line, sir.

25 Q Okay. I'm, I'm -- I understand. I'm not trying to

1 stretch, correct?

2 A Correct.

3 Q And there may be -- non-stretch material might include
4 fancy things like Spectra or Spectra cores and Dacron. Are you
5 familiar with any of those or that concept?

6 A No, sir.

7 Q Okay. Jeanette Marie was a full keel boat, so you
8 didn't do a lot of racing with that boat, right?

9 A No, sir.

10 Q Okay. Have you ever gone to any classes on hurricane
11 preparedness?

12 A No, sir.

13 Q Have you attended any classes that were specific to
14 docking systems?

15 A No, sir.

16 Q Okay. I know the steep learning curve owning a new
17 sailboat is. I bought mine in 2004, my first boat, a big boat
18 like yours, the Diabliesse, as a matter of fact, so I'm not trying
19 to pick on you, but I'd like to -- do you know what a breast line
20 is? And there's a lot of boat terminology I'm still learning, but
21 I'm -- so but do you know what a breast line is?

22 A It was probably in my class, but right now, I cannot
23 recall it.

24 Q Okay. You know what a spring line is?

25 A Yes, sir.

1 A Yes.

2 Q On a part of the boat or part of the dock?

3 A Yes.

4 Q Okay. And do the pictures that we have -- and I'll just
5 call them before the storm that you presented -- fairly and
6 accurately depict the way the boat was tied up prior to the storm?

7 A Yes.

8 Q Okay. Did you buy any new dock lines that week in
9 anticipation of this storm?

10 A No, sir.

11 Q Did you -- we had another storm that came close to us.
12 It started with an H a couple of weeks earlier.

13 MR. WINTON: You thinking of Gustav?

14 MS. LEWANDOS: Gustav, the one that begins with a
15 G?

16 MR. GLADDEN: Oh, it's G, H, I. Okay. I knew, I
17 knew it was earlier in the alphabet than I.

18 MS. LEWANDOS: And the only reason I know that, is
19 because you produced all that Gustav weather damage.

20 MR. GLADDEN: Okay. Right.

21 Q (BY MR. GLADDEN) There was Gustav that came in, and I
22 think it turned inland and land -- made landfall east of us. Did
23 you buy any new dock lines in anticipation or in preparation for
24 Hurricane Gustav?

25 A No, sir.

1 Q Okay.

2 THE VIDEOGRAPHER: Mr. Gladden, I have about five
3 minutes of tape.

4 MR. GLADDEN: Total or until you have to change?

5 THE VIDEOGRAPHER: Until I have to change.

6 MR. GLADDEN: Okay. Well, let me know and I'll --

7 THE VIDEOGRAPHER: Sure.

8 Q (BY MR. GLADDEN) You only had the boat a year and a
9 half. Would it be fair to say, you haven't spent money -- you've
10 spent money, I'm sure. I know what boat ownership's like, but in
11 the year and a half, have you bought any new dock lines or were
12 you working with the ones that came with the boat?

13 A Working with the ones that came with the boat.

14 Q Okay. Do you know if -- and you don't have any idea
15 what the age of those dock lines were?

16 A No, sir.

17 Q Okay. And the other lines, I'll just represent to you,
18 if you bought dock lines they'd probably look like the -- on
19 Morrison No. 8 -- I'm not an expert, but all the dock lines I've
20 seen for they sell in the store look like this nylon braid as
21 opposed to this blue, I think they call this three strain nylon
22 braid and this is double braid, or something, but at any rate,
23 this, this double braid that's on the cleat that, in number eight,
24 that you cannot see where it goes to the boat, those weren't new
25 lines either? Those came with the boat?

1 A Yes.

2 Q Okay. And I guess, there is evidence of some chafing
3 gear in some of these pictures, that being either poses or what,
4 what -- I think we both understand chafing gear to be, that came
5 with the boat as well, did it not?

6 A Yes.

7 Q Okay. And you didn't buy any new chafing gear?

8 A No, sir.

9 Q All right. And before you lived in -- was it Midland or
10 Odessa?

11 A Midland.

12 Q Before you lived in Midland, where did you grow up?

13 A Casper, Wyoming.

14 Q Okay. I guess it's fair to say, you don't get a lot of
15 practice preparing for a hurricane in Wyoming or Midland?

16 A No, sir.

17 Q Did you seek any assistance from anyone in particular
18 around Harborwalk Marina to give you pointers and tips or even
19 actually help you prepare your boat for either Hurricane Gustav or
20 Hurricane Ike?

21 A My wife had some people she talked to when she was
22 securing the boat.

23 Q Do you know who that was?

24 A She would know, sir.

25 Q Okay. But you don't know?

1 A Huh-uh, I was at work.

2 Q Okay. Is it -- do you know whether nylon dock lines are
3 intended to stretch and give and absorb the shock of loads in
4 winds around the dock?

5 MS. LEWANDOS: Objection, form.

6 A I'm not -- I don't know.

7 Q (BY MR. GLADDEN) Okay. Are you -- have you ever
8 noticed -- well, in the last year and a half that you've owned
9 Jeanette Marie, have you invested in any kind of, what's called
10 rope until it gets to the boat and it's called line after it gets
11 to the boat? That is, halyards, sheets, any, any new rope or
12 lines for that boat?

13 A No, sir.

14 Q Okay. So you haven't paid much attention to the big old
15 wall in West Marine of all the different kinds of ropes? You're
16 worried about other things, correct?

17 A Yes.

18 Q Okay.

19 THE VIDEOGRAPHER: I'm going to need to switch
20 tapes.

21 MR. GLADDEN: Okay. Thanks.

22 (Recess at 3:27 p.m. to 3:35 p.m.)

23 MR. GLADDEN: Am I up to nine, ten?

24 THE COURT REPORTER: Ten, I'm sorry.

25 MR. GLADDEN: Ten?

THE COURT REPORTER: Ten.

MR. GLADDEN: Okay.

(Morrison Exhibit Nos. 10-11 were marked.)

Q (BY MR. GLADDEN) Let me show you what I've marked as Morrison Exhibit 10 and 11, and I'll represent to you that, that's -- those are suppose to be Google map pictures of the marina, and you might want to look at number ten first, just to get -- that's the whole -- has the houses and the subdivision and then there's a close-up of the actual docks. See if that appears to be the marina layout as you recall it to be?

A Yes, sir.

Q From eight miles high, or whatever it is.

A Wow!

MR. WINTON: That's another song. Cliff Richard is the answer.

MS. LEWANDOS: Thank-you.

Q (BY MR. GLADDEN) And what, what dock were the two boats, Jeanette Marie and Diabliesse, parked in, parked at, parked on?

A Man, I believe it was E, on E dock, I believe. I can't recall right at this second.

Q I agree, I think it was E dock, too.

A Okay.

Q If you look at the, if you look at these docks, you kind of -- A, B, C, D, E -- am I going the right direction?

1 A You are. That's what confused me.

2 Q A, B, C, D, E, I think, there's a big metal dock on the
3 next boat past your boat.

4 A Uh-huh.

5 Q Does that appear to be maybe even your boat right there?

6 A Yeah, that appears to be my boat, sir.

7 Q On -- so we'd start up here at the -- on land, I guess,
8 would be, A, B, C, D --

9 A Yes, sir.

10 Q -- and that would make E --

11 A Yes.

12 Q -- as I'm pointing to what you think may be your boat?

13 A Yes, sir.

14 Q And whenever this picture was taken, there was a boat,
15 it looks like, in the slip where Diabliesse was. I'll represent to
16 you that, this was just printed out this morning. So I -- that
17 boat appears to be Bali, and I don't believe that was Diabliesse.
18 Is there a boat parked next to your boat or has there been a boat
19 parked next to your boat recently since the storm?

20 A Hum.

21 Q I said, "next to it." Just past the next finger dock?

22 A Since the storm?

23 Q Since the storm?

24 A My boat's been in the yard since the storm.

25 Q Okay. So this picture was taken sometime before

1 Hurricane Ike or --

2 A I have no idea.

3 Q Well, I mean, you don't see any destruction from the
4 hurricane in this picture, right?

5 A No.

6 Q So this appears to be an old picture, but it's an
7 accurate representation of the way the, the docking looked before
8 the storm?

9 A Yes.

10 Q Okay. Now, if you'd look on No. Morrison 11, let me
11 just -- would you circle what you think might be your boat or at
12 least the location of your boat?

13 A (Witness complies.)

14 Q Okay. And then would you maybe put an "X" where
15 Diabliesse was or where she was before or after the storm?

16 A I believe she was there.

17 Q Okay. Now, in these -- can you, can you just kind of
18 walk us through how you were able to -- and there's a nautical
19 term for it -- get your boat by hand and rope out of the Diabliesse
20 slip and back into her original slip after the storm?

21 A There was a couple people on the dock, and we just
22 through lines back and forth, and we just pulled it over by just
23 hand power.

24 Q How did you get on your -- there's some pictures in
25 evidence, or at least that have been supplied to us, of you

1 A No.

2 Q Because they came with the boat, right?

3 A Yes.

4 Q And the previous owner didn't tell you how old they
5 were, right?

6 A Right.

7 Q Okay. Is it your understanding, or have you ever read
8 or learned, that dock lines lose a lot of their strength after
9 being used, after suffering through a storm?

10 A I didn't know that.

11 Q Okay. And you don't know whether those dock lines had
12 been through any storms before Hurricane Ike, do you?

13 A No.

14 Q "No," you don't know?

15 A I don't know.

16 Q Okay. Do you know what the displacement is of Jeanette
17 Marie?

18 A I don't recall that right now.

19 Q Would you agree, it's a heavy boat?

20 A Yes.

21 Q Do you know what size the dock lines are that are
22 depicted in these pictures?

23 A No, sir.

24 Q Do you know what size dock lines are recommended for a
25 boat the size and weight of Jeanette Marie?

1 the Texas Parks & Wildlife division in Texas? I think two of them
2 are probably dinghies or small boats of some sort.

3 MR. GLADDEN: I'm sorry. Can you hear me?

4 THE VIDEOGRAPHER: Oh, yeah, I can hear you.

5 MR. GLADDEN: Could you hear it?

6 THE VIDEOGRAPHER: Yeah.

7 MR. GLADDEN: Okay.

8 A Yes, sir.

9 Q (BY MR. GLADDEN) And the Jeanette Marie is described in
10 which of those exhibits number?

11 A Exhibit No. 14.

12 Q Okay. And what kind of a boat is she?

13 A It's a Heritage. It's a sailboat.

14 Q Okay.

15 MR. WINTON: What's the length, length?

16 MR. GLADDEN: I'm sorry?

17 Q (BY MR. GLADDEN) Yeah. What's the length of that boat?

18 A It's 46 feet.

19 Q Okay. And I'm not looking at what you're looking at,
20 but does what you're looking at refresh your memory about the
21 displacement or the weight? I'm not sure it's on there.

22 A No, I don't believe it does, sir.

23 Q Okay. And you own that boat with who?

24 A My wife, Crystal Morrison.

25 Q Okay. And you're -- it's community boat? You bought it

1 after your marriage?

2 A Yes, sir.

3 Q Do you know who designed that boat?

4 A Charlie Morgan.

5 Q And what year is it?

6 A It is a 1980 -- I believe '82. Oh, wait. Sorry. No,
7 '79.

8 Q Seventy-nine. And I don't recall, is it a ketch rig?

9 A It's a sloop.

10 Q Okay. Do you have any idea what the value is today of
11 the Jeanette Marie?

12 A Not today I don't, sir.

13 Q Are you familiar with YachtWorld dot com?

14 A Yes, sir.

15 Q I'm going to mark Pages A00076 through 00088 as one
16 exhibit, and none of these boats are the Jeanette Marie, but let
17 me do this as number 17, Morrison No. 17, then we'll get a stapler
18 in here, but for now, I'll clip them as one exhibit.

19 (Morrison Exhibit No. 17 was marked.)

20 Q (BY MR. GLADDEN) And ask you to look at those and see
21 if those are advertisements that are for boats for sale, and I
22 will tell you, these -- this is probably, these copies were
23 probably made back when this case was first filed, sometime
24 several months ago, but would you agree that those, those boats
25 are comparable -- obviously, every boat's different -- but

1 they're, some of them are the same make and year. Others are the
2 same make, but maybe a different year, year newer or year older,
3 but generally, they're the same, the same boat?

4 A Yes, sir.

5 Q Comparable? Okay. And as you look at that exhibit, if
6 you would focus your attention on the displacement that is alleged
7 to be those various boats and see if that refreshes your memory
8 about what you think the displacement of your boat might be.

9 A I have no idea what the displacement of the boat is even
10 with this. These are different boats, I mean. There are -- every
11 boat's different.

12 Q Uh-huh. Is there some consistency in the displacement
13 represented in the several Heritage, 1979 Heritage and 1978
14 Heritage sailboats that are represented there?

15 A I've not made it that far yet. As a matter of fact, I
16 don't even really see where the displacement is on this. This
17 here might have it. This has got the displacement on it.

18 Q Do any of them tell what the displacement is on those
19 boats?

20 A Yeah.

21 Q What is, what are those boats -- what is the
22 displacement on those Heritage sailboats?

23 A This Heritage is, is 15 tons. This one is 30,000
24 pounds. This one is 33 tons. I don't see anything else there.

25 Q Have you ever concerned yourself with the weight of the

1 boat compared to the breaking strength of the docking equipment?

2 A No, sir.

3 Q Okay. What is the estimate you have from 77th Street
4 Pier, or whoever's doing the repair work on your boat, to put her
5 back together for you?

6 A Huh, I'm not too familiar with that. My wife would know
7 more about that. She took care of all the insurance stuff with
8 them.

9 Q Okay. Do you think you've -- is there anything else --
10 do you think you've understood my questions? Is there anything --

11 MS. LEWANDOS: You can put it down.

12 Q (BY MR. GLADDEN) -- anything particularly confusing in
13 my questions?

14 A Everything was fine.

15 Q Okay. Anything you want to add before we move on?

16 A No, sir.

17 MR. GLADDEN: Okay. Thank-you for your patience
18 and your answers.

19 THE WITNESS: Thank-you.

20 MS. LEWANDOS: We'll reserve.

21 (Deposition concluded at 4:14 p.m.)
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